

PRE-APPEAL BRIEF REQUEST FOR REVIEW
- Expedited Examining Procedure -
Examining Group 2625

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Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

Ronald S. Cok

Group Art Unit: 2629

Examiner:

Prabodh M. Dharia

DISPLAY DEVICE AND SYSTEM

Serial No.: 10/668,730

Filed: September 23, 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Applicants respectfully request pre-appeal brief review of the Final Office Action Dated December 20, 2006. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

As grounds for review the Applicants respectfully submit that claims 1- 17 are pending. All claims stand rejected at least in part as being obvious in view of the combination of two references: commonly assigned Parulski et al. and Kaplan et al. The Applicants and the Examiner have reached differing conclusions as to what these references disclose. The applicants therefore continue to traverse on grounds that neither Parulski nor Kaplan et al. alone or in combination disclose what is claimed in the lone pending independent claim. Accordingly, the applicants assert that a prima facie case of obviousness has not been made out. Specific grounds in support of the applicant's position are as follows:

1. ***Claim 1 is allowable in that Parulski et al. discloses a verification image that is derived (downsampled) as needed from a stored original image and is not saved.***

Claim 1 of the pending application claims a digital display device comprising: a communication interface adapted to communicate with an external archival storage

device; a content source adapted to acquire content in an acquisition form from an external device; a presentation system for presenting content in a form that is different from the acquisition form; a memory for storing content; a controller adapted to receive acquired content from the content source, to form presentation content that corresponds to the acquired content said presentation content adapted for presentation using the presentation system and to cause the acquired content and the corresponding presentation content to be stored in the memory; and wherein the controller is further adapted to cause the communication interface to transfer acquired content to the external archival storage device and to delete the transferred acquired content from the memory while retaining the presentation content in the memory for later presentation.

The applicants respectfully submit that commonly assigned Parulski et al. does not disclose any step of storing the verification image after presentation of the same. Nor is it obvious to do so, as Parulski et al. appears to disclose the ad hoc creation of each verification image by subsampling a selected archival image. This has the effect of relieving the camera memory of the burden of storing both the subsampled verification image and the archival or original image.

The Examiner contends that, “Parulski does disclose the step of storing the verification image after presentation of the same. Specifically, the Office Action contends that Parulski at Col. 43, lines 18 –22 “teaches only the unchosen editorial deleted per user’s choice, Lines 35-41 teaches storing of the presentation content, also verified image is stored unless it was further edited for presentation purposes then newly verified content for presentation is stored.”

This statement appears to suggest an error in understanding as the statement appears to suggest that the Examiner interprets “verification image” to be any image the content of which has been verified by being looked at by a person. This is not consistent with what is claimed in that according to claim 1, the presentation content is “corresponds to the acquired content” and is “adapted for presentation using the presentation system” and is stored in the memory. Further, according to claim 1, the controller is adapted to transfer the acquired content to an external device and to delete the transferred acquired content from the memory while retaining the presentation content in the memory for later presentation. To qualify as presentation

content as claimed, the verification image of Parulski must meet all of these limitations and the verification image of Parulski does not do so.

Specifically, the Office Action relies upon Col. 43 of Parulski in support of this rejection. The following passages are from Parulski, which incorporates all of the lines cited in the Office Action from Col. 43 of Parulski These lines state as follows:

In this embodiment, the effect of the user's choice of an editorial suggestion varies with the nature of the depiction used for the editorial suggestion. The original electronic image is edited after the user input is chosen, if the depiction of the editorial suggestion is text or an icon presented on the information display or, preferably, merged with the verification image on the image display. If the editorial suggestion is a low resolution editorial suggestion image, then the original electronic image is modified in a simplified manner to prepare a depiction that suggests, but does not fully represent a particular editorial suggestion. In this case, when an editorial suggestion is chosen, the depiction is deleted and the original electronic image is modified again to produce the edited image, in a modification that fully complies with the editorial suggestion. If the editorial suggestion is a suggestion image, at high resolution, then further modification of the derived image is not required. When an editorial suggestion or the verification image is chosen, the unchosen editorial suggestions are no longer necessary and can be deleted.

*In a particular example shown in FIGS. 50-51, the digital camera 10 uses a megapixel imager 24 to capture an initial electronic image, which is then stored as an archival image in the form of a JPEG compressed file on a removable memory card 54a accessed through a memory card interface 412. **The camera 10 selectively displays a verification image on the image display 26 that is derived from the archival image by subsampling.** (Buttons or other user controls that actuate the verification display and the like are not illustrated in FIG. 50, but can be like those earlier discussed. The digital camera 10 includes a mode that displays editorial suggestions. The editorial suggestions shown in FIG. 51 are enlarge image, enlarge and rotate, and rotate. When the user selects (414) one of the editorial suggestions (in FIG. 50, the suggestion to enlarge and rotate is selected), the archival image is decompressed from the JPEG compressed file and modified by cropping (416) the image data, recompressing, and storing (418) the cropped image file 410 onto the removable memory. The original archival image file 167 is then preferably deleted to save space. **If the user actuates display of the verification image, the replacement image file is subsampled to provide a new verification image for display on the image display 26. (emphasis added)***

It will be appreciated from this section that there is no need to store the verification image because the verification image is derived on an ad-hoc basis whenever a user wishes to see a verification image of an archival image or a replacement image. Further, it is respectfully submitted that these lines appear to fail

to support any interpretation suggests that such verification images are either edited or saved in and of themselves.

11. *Claim 1 is allowable in that Kaplan et al. discloses a system that helps to automate assembly of an output file/disk but does not disclose the existence of presentation content or the saving of any information after an output file/disk is created.*

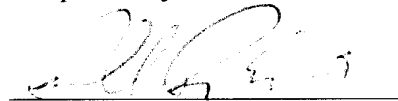
The Office Action further contends that Kaplan et al. “also teaches [the] step of storing the verification image after presentation of the same, (page 11, paragraph 61, right side column, Lines 19-52). Paragraph 61 in pertinent part states as follows from the last paragraph of the left column of page 11 to the end of paragraph 61:

... When the flash memory is inserted into a flash reader, and the reader interconnected to a PC, the flash reader will notify the multimedia management system that new media is detected, and will launch the management system, either immediately or the next occasion where the multimedia management system is opened by the user. ***The management system will read in the multimedia content, such as reading in thumbnails of photographs from the flash memory, and prompt the user to select thumbnails that can be used for folder album covers in the hierarchical catalog structure. The management system may then prompt the user to identify which album or albums the user wants to store each picture in. Once in this format, either as preconfigured content at 166 or user content at 168, the user then may select a storage option at 170, such as a one-button CD burn option on the management system interface, which would transfer the created album to a CD as previously described.*** Alternatively, the user could create a removable media for playback in a PC, or may maintain the content within the management system database. At step 168, the media wizard 160 may allow the user to delete any unwanted picture by selecting the pictures thumbnail and pressing a delete option on the screen. ***Alternatively, the user could rotate any pictures by selecting specific thumbnails and pressing an option on the screen to rotate the picture.*** The wizard would then prompt the user for a name of an image to assign to a new album within the hierarchical catalog structure, and would display the thumbnail of the images to allow the user to select one of them for the cover of the newly created album. The user may then be given the option of inserting another smart media flash memory with images, and these steps can be repeated until all pictures are introduced into the management system. The user may then be presented with options to play a slideshow of the pictures on the PC screen, printout the pictures on a printer, create a video file, create a video presentation, create audio files, create removable media or any other desirable output option. More particularly, the multimedia management system may provide prompting for the user to output multimedia information in a variety of forms or manners, such as allowing printing of the media or creating a multimedia presentation on removable media such as a CD having multimedia data formatted in the SVCD, VCD 2.0, DVD or CDA formats as an example. ...

Here what appears to be disclosed is uploading information and organizing the uploaded information. Importantly, the system is described as **reading in** thumbnails and the content and the system then allows an output product to be assembled by using the thumbnails to organize the content. Thus, the thumbnails of Kaplan do not disclose the claimed “presentation content” since they are not formed by the controller and adapted for presentation using the presentation system of Kaplan. Further, the output multimedia product is then mapped to a format that can be any allowable format and that is said to be stored in any of a number of **external** media types and devices while the original content from which it is derived remains in the device. Accordingly, the output media content does not appear to presentation content as claimed in that it is not said to be adapted for presentation on the presentation system and in that it is not said to be stored in any adapted form in the device. Further, it will be appreciated that to the extent that the output media content is said to read on “presentation content” as claimed, Kaplan also fails describe a controller that causes the communication interface to transfer acquired content to the external archival storage device and to delete the transferred acquired content from the memory while retaining the presentation content. Specifically, if one assumes that the “output media content” of Kaplan is equivalent to the “presentation content” of claim 1, then Kaplan teaches the exact opposite of what is claimed in that in Kaplan the it is the adapted content that is transferred and the original content that is retained in the system.

For these reasons, the applicants respectfully submit that neither Parulski et al. nor Kaplan stands for the purposes for which they are asserted and therefore a prima facie case of patentability has not been made out. Reconsideration and withdrawal of the rejections are in order, and are respectfully requested. A prompt and favorable action in response to this request is earnestly solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.